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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/648,877

08/28/2000

Christopher K. Williams

5169.00001

7537

7590

05/19/2005

Leslie Poole
1512 Longfellow Street
McLean, VA 22101

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,877

Applicant(s)

WILLIAMS ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/11/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24, 58-61 and 68-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24, 58-61 and 68-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments with respect to claims 21-24, 58-61 and 68-72 have been considered but are not persuasive.

Applicant has argued that neither the Ambalink system nor Friedes teaches a processing fee or "charging the aggregated multiplicity of transactions".

The Examiner disagrees with the applicant's assertions. Firstly, even assuming that the prior art is absent of such a teaching, it would have been readily apparent to one of ordinary skill in the business art to recognize that a fee must be charged for accessing and administering services rendered to the clients of either the Ambalink or Friedes system. Also, it would not be advantageous to either the owners of the Ambalink or Friedes system to process a single purchased item or a single transaction because it would exhaust too much resources on the part of the owners.

Furthermore, aggregating multiplicity of transactions is clearly taught by Friedes. See the abstract and column 2, lines 4-24 of Friedes.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ambalink with Friedes in order to efficiently process a financial transactions as one transaction thereby saving the administrative cost in the combined system.

The Prior Office action is repeated below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 58, 59, 61 and 68-72 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system and Friedes (US Patent No. 5,771,282).

As per claims 21, 22, 58 and 68, the Ambalink system discloses all the claimed features, particularly, a method of conducting a transaction between a consumer, a merchant computer, and a billing computer connected together over a computer network, wherein the consumer purchases a product or service from the merchant computer by charging the value of the product or service to a consumer billing account. In the Ambalink system, customers' accounts are charged for transactions performed by the customers, and consumers indicate authorization to conduct a transaction based on an authorization code and fulfilling the transaction if the transaction is approved by the merchant.

In the Ambalink system, it is not explicitly disclosed "aggregating a multiplicity of transactions that involve the consumer" and "charging the aggregated multiplicity of transactions to a consumer billing account upon the occurrence of a specified event".

Friedes discloses a system and method for billing multiple services on a single account. See the abstract. The system and method aggregates all telephone calls and or related services

rendered by the system and bills the related customer account at the end of a billing cycle.

Applicant is directed to column 4, line 13 to column 5, line 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Friedes into the Ambalink system in order to bill customers' aggregated transactions so as to prevent unnecessary interactions with the customers for each service rendered and also to decrease processing fees for each call made by a consumer.

As per claim 59, claim 59 contains features recited in claim 58 and these features are recited under a similar rationale. Claim 59 further recites aggregating those of the multiplicity of transactions that do not meet the predetermined criteria and such is not explicitly described by the Ambalink or Friedes. However, it is noted that the combined teachings of Ambalink and Friedes do not explicitly stated aggregating and billing customers' accounts for transactions that do not meet the predetermined criteria. However, aggregating types of transactions is taught by the combined teachings. The type of transactions does not change the functioning of the overall system since such depends on the need of a given system. It would have been obvious to one of ordinary skill in the art to aggregate those of the multiplicity of transactions that do not meet a predetermined criterion in the combination of the Ambalink and Friedes in order to meet a system's requirement and meeting consumer's satisfaction.

As per claim 61, applicant is directed to the rejection of claims 58 and 59 above.

As per claims 69-72, claims 69-72 are directed to various types of scenarios of events related to the charging of a customer's account. The Examiner asserts that such would have been obvious to one of ordinary skill in the art to note especially if the event comprises a total of the aggregated multiplicity of transactions exceeding a predetermined monetary value, or if the event comprises a total number of the aggregated multiplicity of transactions exceeding a predetermined number, or the event comprises a total time period elapsed since a transaction exceeding a predetermined time period or if a new transaction exceeds a predetermined monetary value and aggregating the new transaction in (a) only when the new transaction does not exceed the predetermined monetary value.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these features in the combination of the Ambalink and Friedes in order to prevent unnecessary interactions with the customers for each service rendered and also to decrease processing fees for each call made by a consumer.

3. Claims 23 and 24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system in view of Friedes (US Patent No. 5,771,282) as applied to claim 20 in view of Joao et al (US Patent No. 6,529,725).

As per claims 23 and 24, obtaining from the consumer billing authority a pre-authorization that permits charging a predetermined amount to the consumer billing account is not explicitly taught in the combination of Ambalink and Friedes. Joao et al disclose a system and method for approving customer's transactions. Upon the detecting of the occurrence of a transaction, a central computer receives transaction data, assessing the types of transactions and

transactions limits and notifies a user or owner of the transaction card before approving or denying the transactions. Applicant is directed to the abstract of Joao et al. Providing a pre-authorization permit for allowing charging a predetermined amount to a customer billing account is taught by Joao et al.

4. Claim 60 remains rejected under 35 U.S.C. 103(a) as being unpatentable over the Ambalink system Friedes (US Patent No. 5,771,282) and of Joao et al (US Patent No. 6,529,725).

As per claim 60, applicant is directed to the rejection of claims 58, 23 and 24 as being taught by the combination of the Ambalink system in view of Friedes and Joao et al.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
May 5, 2005


FRANTZY POINVIL
Art 3628